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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1123/2017
OM PRAKASH @ OM PRAKASH SACHDEVA Petitioner
Through: Mr. Manish Garg, Adv.
versus
MOHD SULTAN Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **20.09.2018**

Review Petition No.287/2018, CM No.29846/2018 (for condonation of 251 days delay in filing Review Petition) & CM No.29847/2018 (for stay) in CM(M) 1123/2017.

1. Review, along with application for condonation of 251 days delay in applying therefor, is sought of order dated 16th October, 2017 of dismissal in *limine* of the petition under Article 227 of the Constitution of India filed by the petitioner/review applicant against concurrent findings of facts of the Additional Rent Controller and Rent Control Tribunal under the Delhi Rent Control Act, 1958, that the petition for eviction filed by the petitioner/review applicant was against a dead person.

2. The petitioner/review applicant, in pursuance to the order of eviction obtained against the dead respondent, had recovered possession.

3. The counsel for the petitioner/review applicant states that the petitioner/review applicant has since restored possession to the legal heirs of the deceased respondent.

4. Review is sought on the ground that the Death Certificate, on the basis of which the concurrent findings of fact of the respondent being dead

on the date of filing of the petition was reached, was issued by a person not authorised to issue the Death Certificate. Reliance in this regard is placed on a query under the Right to Information Act, 2005 and the response received thereto.

5. The principle of finality of decisions does not permit a litigant to have a second trial. Moreover, there is still no conclusive evidence of the respondent, against whom the petition for eviction was filed by the petitioner/review applicant, being alive on the date of filing of the petition.

6. No ground for review is made out.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 20, 2018

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